

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1291

Introduced by

Representatives Heilman, Kasper, D. Johnston, Nehring, Morton, VanWinkle

Senator Castaneda

1 A BILL for an Act to create and enact a new section to chapter 34-05 of the North Dakota
2 Century Code, relating to the prohibition of the employment of unauthorized workers; and to
3 provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 34-05 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Unauthorized workers - Prohibition - Penalty.**

8 1. As used in this section:

9 a. "Business license" means a license, permit, registration, or other authorization
10 required by law for a business to operate in the state.

11 b. "Private employer" means a person transacting business in the state, which
12 employs one or more individuals.

13 c. "Unauthorized worker" means an unauthorized alien as defined by 8 U.S.C.
14 Section 1324a(h)(3).

15 2. A private employer may not willfully hire for employment an unauthorized worker or
16 continue to employ an individual who has become an unauthorized worker.

17 3. An alleged violation under this section may be filed by an individual with the attorney
18 general and the attorney general may investigate the alleged violation. An alleged
19 violation may be referred by the attorney general for prosecution.

20 4. A person who violates this section is subject to a civil penalty not to exceed:

21 a. Two thousand dollars if it is the person's first offense under this section.

22 b. Five thousand dollars if it is the person's second offense under this section.

- 1 c. Ten thousand dollars if it is the person's third or subsequent offense under this
- 2 section.